

110TH CONGRESS
1ST SESSION

S. 891

To protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2007

Mr. INHOFE (for himself and Mr. COBURN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To protect children and their parents from being coerced into administering a controlled substance in order to attend school, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Medication Safe-
5 ty Act of 2007”.

6 **SEC. 2. REQUIRED POLICIES AND PROCEDURES.**

7 (a) IN GENERAL.—As a condition of receiving funds
8 under any program or activity administered by the Sec-
9 retary of Education, not later than 1 year after the date

1 of enactment of this Act, each State shall develop and im-
2 plement policies and procedures prohibiting school per-
3 sonnel from requiring a child to obtain a prescription for
4 substances covered by section 202(c) of the Controlled
5 Substances Act (21 U.S.C. 812(c)) or a psychotropic drug
6 as a condition of attending school or receiving services.

7 (b) RULE OF CONSTRUCTION.—Nothing in sub-
8 section (a) shall be construed to create a Federal prohibi-
9 tion against teachers and other school personnel con-
10 sulting or sharing classroom-based observations with par-
11 ents or guardians regarding a student’s academic perform-
12 ance or behavior in the classroom or school, or regarding
13 the need for evaluation for special education or related
14 services under section 612(a)(3) of the Individuals with
15 Disabilities Education Act (20 U.S.C. 1412(a)(3)).

16 (c) PROHIBITION OF PAYMENT OF FUNDS.—No Fed-
17 eral education funds may be paid to any local educational
18 agency or other instrument of government that uses the
19 refusal of a parent or legal guardian to provide a sub-
20 stance covered by section 202(c) of the Controlled Sub-
21 stances Act (21 U.S.C. 812(c)) or a psychotropic drug for
22 such individual’s child as the basis of a charge of child
23 abuse, child neglect, education neglect, or medical neglect
24 until the agency or instrument demonstrates that it is no

1 longer using such refusal as a basis of a child abuse, child
 2 neglect, education neglect, or medical neglect charge.

3 **SEC. 3. DEFINITIONS.**

4 In this Act:

5 (1) CHILD.—The term “child” means any per-
 6 son within the age limits for which the State pro-
 7 vides free public education.

8 (2) PSYCHOTROPIC DRUG.—The term “psycho-
 9 tropic drug” means a drug subject to section 505 of
 10 the Federal Food, Drug, and Cosmetic Act (21
 11 U.S.C. 355) that is not a substance covered by sec-
 12 tion 202(c) of the Controlled Substances Act (21
 13 U.S.C. 812(c)) but is—

14 (A) used in the diagnosis, treatment, or
 15 prevention of a disease; and

16 (B) intended to have an altering effect on
 17 perception, emotion, or behavior.

18 (3) STATE.—The term “State” means each of
 19 the 50 States, the District of Columbia, and the
 20 Commonwealth of Puerto Rico.

21 **SEC. 4. GAO STUDY AND REVIEW.**

22 (a) REVIEW.—The Comptroller General of the United
 23 States shall conduct a review of—

1 (1) the variation among States in definitions of
2 psychotropic medications as used in regard to State
3 jurisdiction over public education;

4 (2) the prescription rates of medications used in
5 public schools to treat children diagnosed with atten-
6 tion deficit disorder, attention deficit hyperactivity
7 disorder, and other disorders or illnesses;

8 (3) which medications used to treat such chil-
9 dren in public schools are listed under the Controlled
10 Substances Act; and

11 (4) which medications used to treat such chil-
12 dren in public schools are not listed under the Con-
13 trolled Substances Act, including the properties and
14 effects of any such medications, including the inci-
15 dence of hallucinations, psychosis, violence, suicide,
16 heart problems, significant weight gain, or diabetes
17 that students may experience while on these medica-
18 tions.

19 (b) REPORT.—Not later than 1 year after the date
20 of enactment of this Act, the Comptroller General of the
21 United States shall prepare and submit a report that con-
22 tains the results of the review under subsection (a).

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